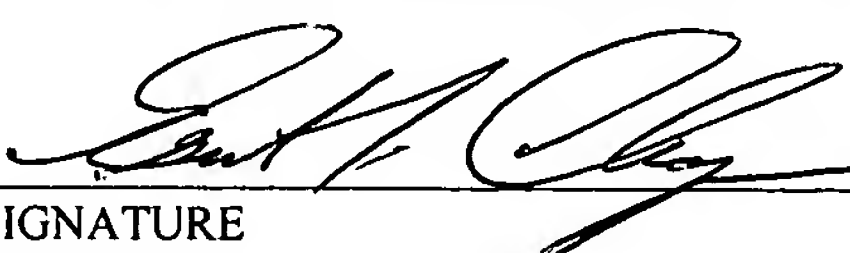


000FORM PTO-1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE REV. 2/01T <div style="text-align: center; font-weight: bold; margin-top: 10px;">             TRANSMITTAL LETTER TO THE UNITED STATES              DESIGNATED/ELECTED OFFICE (DO/EO/US)              CONCERNING A FILING UNDER 35 U.S.C. 371           </div>		CUSTOMER NO. 22,852 ATTORNEY'S DOCKET NUMBER 08140.0006 U.S. APPLICATION NO. (If known, see 37CFR 1.5) <div style="font-size: 1.5em; font-weight: bold; margin-top: 5px;">10/540521</div>
INTERNATIONAL APPLICATION NO. <div style="margin-top: 5px;">PCT/JP2003/016580</div>	INTERNATIONAL FILING DATE <div style="margin-top: 5px;">December 24, 2003</div>	PRIORITY DATE CLAIMED <div style="margin-top: 5px;">December 25, 2002</div>
TITLE OF INVENTION: <b>A METHOD OF THERAPY FOR DEGENERATIVE INTERVERTEBRAL DISCS (AS AMENDED)</b>		
APPLICANT FOR DO/EO/US: <b>Hirotaka HARO</b>		
<p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input checked="" type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31).</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2)).             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed with the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).             <ol style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154 (d)(4).</li> </ol> </li> <li>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)).             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).</li> </ol> <p>Items 11 to 20 below concern document(s) or information included:</p> <ol style="list-style-type: none"> <li>11. <input checked="" type="checkbox"/> Information Disclosure Statement under 37 CFR 1.97 and 1.98</li> <li>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input checked="" type="checkbox"/> A <b>FIRST</b> preliminary amendment.</li> <li>14. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li> <li>15. <input type="checkbox"/> A Substitute specification.</li> <li>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154 (d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application 35 U.S.C. 154 (d)(4).</li> <li>20. <input checked="" type="checkbox"/> Other items or information:             <ol style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> Copy of cover page of International Publication No. <b>WO 2004/058296 A1</b>.</li> <li>b. <input type="checkbox"/> Copy of Notification of Missing Requirements.</li> <li>c. <input checked="" type="checkbox"/> Petition to Submit Color Photographs Under 37 C.F.R. 1.84 § (b)(2).</li> <li>d. <input checked="" type="checkbox"/> Three sets of Color Photographs for Figures 2-14.</li> </ol> </li> </ol>		

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/540521</b>		INTERNATIONAL APPLICATION NO. <b>PCT/JP2003/016580</b>		ATTORNEY'S DOCKET NUMBER <b>09140.0006</b>		
21. <input checked="" type="checkbox"/> The following fees are submitted: <b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</b> <span style="float: right;"><b>\$300.00</b></span> National Stage Search Fee..... <b>\$500.00</b> National Stage Examination Fee..... <b>\$200.00</b>  <div style="text-align: right;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></div>				Applicant Use	Office Use Only	
				\$300.00		
				\$500.00		
				\$200.00		
				\$1000.00		
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.						
Total Sheets	Extra Sheets	Number of additional 50 or fraction thereof (rounded up to a whole number)	Rate			
39 - 100 =	/50=		x 250.00	\$		
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)). <span style="float: right;"><input type="checkbox"/> 20    <input type="checkbox"/> 30</span>				\$		
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE			
Total Claims	4	- 20 =	0	x \$50.00	\$	
Independent Claims	1	-3 =	0	x \$200.00	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+\$360.00	\$	
<b>TOTAL OF THE ABOVE CALCULATIONS =</b>				\$1000.00		
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$		
<b>SUBTOTAL =</b>				\$1000.00		
Processing fee of \$130.00 for furnishing the English translation later than months from the earliest priority date (37 CFR 1.492(f)). <span style="float: right;"><input type="checkbox"/> 20    <input type="checkbox"/> 30</span>				\$		
<b>TOTAL NATIONAL FEE =</b>				\$ 1000.00		
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.				\$40.00		
Petition to Submit Color Photographs Fee				\$130.00		
<b>TOTAL FEES ENCLOSED =</b>				\$ 1170.00		
				Amount to be refunded:	\$	
				charged:	\$	
a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>1170.00</u> to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>06-0916</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.						
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.						
<b>SEND ALL CORRESPONDENCE TO:</b> Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. 901 New York Avenue, NW Washington, D.C. 20001-4413 EFC/FPD/sci DATED: June 24, 2005						
				 SIGNATURE Ernest F. Chapman/25,961 NAME/REGISTRATION NO.		